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role and effectiveness





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**SENATE COMMITTEES: ROLE AND EFFECTIVENESS**

**Brian O'Neal**  
**Political and Social Affairs Division**

**June 1994**



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## SENATE COMMITTEES: ROLE AND EFFECTIVENESS

The debates of the Senate abound with the sad complaints of senators who feel that their exceptional talents are being neglected, but this yearning for strenuous public service is not very convincing. For while the activities of the Senate may be blocked in certain directions, they are quite untrammelled in others,... The failure to utilize at all fully its inquisitorial powers is a case in point. The Senate's highest recommendation will consist not in the unconvincing eulogies of its own members, but in the efficient performance of those duties which lie at hand.<sup>(1)</sup>

The Senate which they [detractors of the Senate] condemned does not live here any more. It has not been here for about ten years. The reformation began quietly in its own way. It is being done from within. In my view there is nothing wrong with the Senate that more work and responsibility would not cure. To date we have never been tested; our potential has never been totally used. It is time we stopped apologizing for the Senate, particularly for the Senate which no longer exists.<sup>(2)</sup>

## INTRODUCTION

Among the governing institutions of Canada, the Canadian Senate is virtually unequalled in its ability to attract criticism and derision. The Upper Chamber has been described as unrepresentative of the Canadian people, a "lobby" for the nation's business élites,<sup>(3)</sup> responsible to no one, and undemocratic. This negative refrain, broken by only the

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- (1) R. MacGregor Dawson, *The Government of Canada*, revised by Norman Ward, University of Toronto Press, Toronto, 1963, p. 325.
  - (2) Senator David Croll, arguing for the creation of a Senate Special Committee to inquire into poverty, 8 October 1968, Senate, *Debates*, 1968-69, p. 210.
  - (3) Colin Campbell, *The Canadian Senate: A Lobby from Within*, Macmillan, Toronto, 1978.



occasional defending voice, has generated growing demands that the Senate be reformed in order to correct its perceived faults. Now, after the failure of two major constitutional renewal efforts that featured sweeping proposals for Senate reform, demand for the institution's outright abolition has surged.<sup>(4)</sup> The Senate, according to the opinion of a significant number of Canadians, no longer fulfils a useful purpose in the governance of this country.

There is, however, one aspect of the Senate and its work that most critics do not mention and of which many Canadians are unaware. While the chamber itself suffers from declining prestige, its committees have received recognition -- from close observers of the institution -- for their valuable contribution to the public life of this country. Yet, as C.E.S. Franks admits, "Senate committees ... have a far better record than is generally appreciated."<sup>(5)</sup>

Nevertheless, those familiar with the work of Senate committees have been generous in their approval. Senators serving on committees have been praised for their diligence and their ability to apply their knowledge and experience to the issues before them. Explanations for this become apparent when Senate committees generally are compared with their counterparts in the House of Commons. Membership on committees in the Upper House is stable, thus allowing members to develop expertise and experience in their areas of responsibility. Free of the constraints imposed by constituency duties, Senators are able to devote more time to committee work.<sup>(6)</sup> Partisanship on Senate Committees is less pronounced and their actions and recommendations less threatening to government. Collectively, these attributes allow committees of the Senate to offer useful insights into problems facing Canadian society and to suggest creative ideas for their solution. Even some of the Senate's harshest

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(4) In a poll released on 22 July 1993, Gallup Canada reported that 54% of Canadians favoured abolition, the highest percentage ever recorded by the organization. Canadian Institute of Public Opinion (Gallup Canada), *The Gallup Report*, 22 July 1993.

(5) C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press, Toronto, 1987, p. 225.

(6) This observation was made by former Senator Lorna Marsden in *Hill Times*, 12 November 1992.



detractors readily acknowledge the useful role performed by the Upper Chamber's committees.<sup>(7)</sup>

The purpose of this paper, in light of these observations, is to take a closer look at Senate Committees in order to determine their role(s) and how that role (or roles) can be effectively performed. While there are several kinds of Senate committee, this paper concentrates on special committees, and in particular the work of three such committees active in the late 1960s and early 1970s.<sup>(8)</sup> There are two reasons for this choice. The first is that most positive assessments of Senate committees make reference to these committees.<sup>(9)</sup> It seems logical therefore that a search for the role(s) to which committees of the Senate are best suited should concentrate on those instances when they are deemed to have been most successful. The second reason stems from the advice of Professor Robert Jackson, who argues that the Senate

should concentrate on the function of investigating long term, important problems through the use of hearings, research facilities and so on in order to provide more forward-looking thinking in this country.<sup>(10)</sup>

The special committees examined here, the Senate Special Committee on Poverty (the Croll Committee), the Senate Special Committee on the Media (the Davey Committee), and the Senate Special Committee on Science Policy, will be shown to have performed the functions recommended by Jackson.

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- (7) Campbell (1978), p. 19, writes that "[s]tudents of the Senate often dismiss social investigation as "busywork" for part-time legislators with little to do. Yet, during the late 1960s and early 1970s, social investigation became integral to the ultimate development of innovative policy. Senators used committee studies in that period to influence acceptance of new social policies. They did this by cultivating national consensus around key issue areas."
  - (8) Apart from Committee of the Whole, the other committees are standing and legislative committees and joint committees formed in partnership with the House of Commons.
  - (9) See, for example, Franks (1987), p. 189; Janet Marie McCauley, *The Senate of Canada: Maintenance of a Second Chamber Through Functional Adaptability*, unpublished Ph.D. thesis, Pennsylvania State University, 1983, p. 98; Randall White, *Voice of Region: The Long Journey to Senate Reform in Canada*, Dundurn Press, Toronto, 1990, p. 220.
  - (10) Robert Jackson, Senate of Canada, Committees and Private Legislation Directorate, *Senate Committees in the Post-Referendum Parliament*, Ottawa, 1993, p. 6.



This study begins with a general discussion of the role of Senate committees and the means available for judging their effectiveness. This material provides a background for an examination of each of the special committees mentioned above. After a brief look at recently completed Senate committee investigations, the paper examines the suggestion that Senate committees might well perform tasks currently assigned by government to royal commissions. In reaching some tentative conclusions, the final section draws from the earlier discussion on the role and effectiveness of Senate committees.

## THE ROLE OF SENATE COMMITTEES

In his 1965 landmark study of the Canadian Senate, Professor F.A. Kunz (1965) provided one of the few descriptions of the tasks that committees of the Upper House ought to perform. According to Kunz, there are three principal roles for Senate committees:

- to legislate; Kunz states that this is perhaps their primary and most obvious role. The committees' job is to give "a skilled and leisurely consideration to the technical provisions of a bill..."<sup>(11)</sup>
- to scrutinize public accounts and departmental estimates; and
- to inquire. Kunz stresses that this role involves non-partisan investigations into problems of common concern. Inquiries, he notes, can be handled by either standing or special committees.<sup>(12)</sup>

To this list, Kunz adds a number of other secondary roles for Senate committees, including serving as forums for interest articulation.

Although important, the role of reviewing the technical aspects of legislation has become less vital as the legislative drafting skills of government have improved.<sup>(13)</sup> While the scrutiny of accounts and estimates continues to be an important activity, it is less significant than

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(11) F.A. Kunz, *The Modern Senate of Canada: A Re-appraisal, 1925-1963*, Macmillan, Toronto, 1965, p. 257.

(12) *Ibid.*, p. 261.

(13) Franks (1987), p. 190.



the third item on Kunz's list,<sup>(14)</sup> the investigative role. Thus, the Senate committee as an inquirer and as a forum for the expression of opinion on important issues are of most interest to this discussion.

It should be kept in mind that some do not agree that Senate committees are suitable vehicles for investigative purposes. Senator Grattan O'Leary, an eloquent spokesman for this perspective, made the following point during a debate in the Upper Chamber:

I have always disagreed with the Leader of the Government when I thought he seemed to be trying to make this chamber an investigative body. That is not our business either. We may have standing committees, but this business of setting up special committees to investigate this, that and the other thing is not the business of the Senate at all. Our business here is to review legislation. That is our business and it is enough business. We have no other business under the Constitution.<sup>(15)</sup>

## ASSESSING THE EFFECTIVENESS OF SENATE COMMITTEES

There are numerous general statements on the importance of the work done by the committees of the Senate, but no one has yet embarked on the more demanding task of making the careful and detailed assessment necessary to determine their true value. Perhaps this can be explained partially by the difficulty of determining exactly how committee effectiveness is to be defined and measured. The Liaison Committee of the House of Commons recently recognized this problem when it for the first time assessed the effectiveness of Commons committees.<sup>(16)</sup> The Liaison Committee had first to establish the criteria on which such an evaluation could be made. In broad terms, it determined that "...the measure of a committee's effectiveness is the extent of its influence on the actions or behaviour of the government."<sup>(17)</sup>

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(14) *Ibid.*, p. 189.

(15) Senate, *Debates*, 11 January 1974, p. 1473.

(16) *Parliamentary Government*, No. 43, June 1993.

(17) *Ibid.*, p. 6.

This being said, the task of assessing committee effectiveness is still not simple, as the Liaison Committee itself admitted. The committee provided no empirical evidence to back its conclusions and admitted in its reports that standards of effectiveness varied according to the observer.<sup>(18)</sup>

The notion that committee effectiveness should be based on ability to influence government is somewhat narrow. Were judgment to be based on this criterion alone, it is quite likely that many committees would be considered failures. Once more, Kunz provides clarity by pointing out that committees play two important roles against which their effectiveness may be measured. The first consists of making recommendations for government action, the second, in developing awareness of an issue: "in the exposition of a situation or problem and in the publication of the evidence gathered during the course of the inquiry..."<sup>(19)</sup> The success or effectiveness of committees in performing the former role, according to Kunz, "may be measured by the effect of their recommendations upon consequent government action."<sup>(20)</sup> Kunz tempers this observation by warning that "[s]ometimes it may take several years for a committee's recommendations to be adopted by the government," adding optimistically that "...if they [the recommendations] are sound and properly substantiated they will be put into effect sooner or later."<sup>(21)</sup>

With regard to committees that attempt to achieve the second goal, Kunz argues that

their real value lies in the long-term educative effect produced by the accumulated evidence and information of their proceedings. Instead of being a cure-all, they are rather a contribution to the study of the subject and form the basis of further discussions in Parliament, in the departments of government concerned, and in the public at large. Their most obvious use is in areas where the

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(18) *Ibid.*, p. 6; also Paul Thomas, "Effectiveness of Parliamentary Committees," *Parliamentary Government*, No. 44, August 1993, p. 10.

(19) Kunz (1965), p. 263.

(20) *Ibid.*, p. 264.

(21) *Ibid.*, p. 265.



problems are either still too rudimentary, or too controversial, or too elusive and bid for simple and straightforward solutions.<sup>(22)</sup>

In summary, in the absence of precise empirical measures the following criteria may be used to assess committee effectiveness:

- influence over the actions of government;
- development of public awareness;
- clarification of complex issues; and
- creation of a forum for the expression of views.

### THE SPECIAL COMMITTEES OF THE 1960s AND 1970s

During the 1960s and 1970s particularly, the Senate became noted for its in-depth investigations of broad issue areas which had long been neglected in the formulation of comprehensive public policy. These were mainly the "Special committee" studies and reports of the Senate.<sup>(23)</sup>

The special committees to which Janet Marie McCauley here refers were established in the late 1960s and early 1970s to inquire into several rather large issues confronting Canada at the time: poverty, the growing power of the mass media, and the need for a national science policy. All of these committees distinguished themselves by producing valuable research, enhancing awareness, and contributing to policy outcomes. All of them, as indicated above, received -- and continue to receive -- universal plaudits for their accomplishments.

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(22) *Ibid.*, p. 265-266.

(23) McCauley (1983), p. 98.

## A. The Special Senate Committee on Poverty (Croll Committee)

### 1. Background

The creation of a special committee to study poverty in Canada grew out of a recommendation in the *Fifth Annual Review* of the Economic Council of Canada (ECC), released in 1968. Noting that the work of a previous Senate committee on land use had led to the implementation of *Agricultural Rehabilitation and Development Act* (ARDA) in 1961, the ECC stated:

Many excellent witnesses would be available to appear before the [Senate] committee, whose work could also be aided by a small but competent research staff. The work of such a committee could do much to define and elucidate the problem of poverty in Canada, and to build public support for a more effective structure of remedial measures.<sup>(24)</sup>

This recommendation by the Economic Council was crucial, for it all but insured not only that a Senate committee would investigate poverty but that its work and recommendations would be taken seriously by the government of the day. As Donald Bellamy, an expert on poverty, commented at the time

The council's conclusions and recommendations on the subject, coming as they did from a prestigious body of experts for whom Prime Minister Trudeau's new government could not help having an affinity and admiration, appeared to have a profound impact.<sup>(25)</sup>

The likelihood that the Senate would respond favourably to the Council's suggestion -- and that its work in this area would be influential -- was further enhanced by other factors. In the United States, President Lyndon Johnson's "War on Poverty" furthered the perception of poverty as a legitimate subject for government action. In 1965, the Government of Canada announced similar interests. Thus, the Senate embarked on its project within a highly

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(24) Economic Council of Canada, Fifth Annual Review, *The Challenge of Growth and Change*, Ottawa, September 1968, p. 136-137.

(25) Donald Bellamy, "Poverty," in John Saywell and Donald Foster, eds., *Canadian Annual Review for 1968*, University of Toronto Press, Toronto, 1969, p. 386.



favourable context; the nation was ready for such a study and the public's and media's attention -- and by extension that of government -- was guaranteed.

In direct response to the recommendations of the ECC, Senator David Croll moved, on 8 October 1968, that a Special Senate Committee be established to look into the problem of poverty; on 26 November, the Senate gave its support.

In his motion, Senator Croll revealed that his idea had not come "out of thin air"; on his own he had been thinking long and hard about poverty and had collected information on the issue from both government and private sources. Unable, after his investigations, to come to any conclusions, Senator Croll was prompted to act by the report and recommendations of the ECC.<sup>(26)</sup> His statement to the Senate is worth quoting at length. He was urging his colleagues to support this action, he said,

for a particular reason that should appeal to the country: we are best qualified to do it. If a royal commission were appointed it would need staff -- as of course we will need staff. On its staff it would have two or three very capable, well-informed persons who would know the score on this particular problem. But we in this chamber already have men with experience, know-how, capacity, and our committee could be composed of representatives from every province.<sup>(27)</sup>

When Senator Croll spoke of men with experience, know-how, and capacity, he could include himself. For indeed, Croll brought considerable expertise -- as well as personal concern -- to the study of poverty. He had been mayor of Windsor during the Great Depression, a period during which Canadian municipalities had borne the brunt of the social welfare burden. He had subsequently been Ontario's Minister of Welfare, before being named to the Senate. As a Senator, he had chaired two previous special committees, an experience that had broadened his knowledge on social policy and provided him with the background necessary to conduct an inquiry into poverty. In 1961, Senator Croll had chaired a Special Committee on Manpower and Employment whose report and recommendations have been credited with the creation, in 1966,

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(26) Senate, *Debates*, 1968-69, p. 208.

(27) *Ibid.*, p. 210.

of the Department of Manpower and Immigration.<sup>(28)</sup> Subsequently, he headed a Special Senate Committee on Aging, whose report and recommendations, issued in February 1966, had a noticeable impact on government policy with respect to older Canadians.<sup>(29)</sup> Croll was well-respected within the Trudeau cabinet and his thoughts on an issue as important as poverty were bound to be listened to. As Colin Campbell has remarked, the Senator was "a man of considerable influence..." within cabinet and the Liberal Party.<sup>(30)</sup>

Croll's proposal received the backing of Senator Paul Martin, Government Leader in the Senate and a personal friend of long-standing (they were both from Windsor, Ontario). Martin's involvement was far from insignificant.<sup>(31)</sup> He had served as Minister of Health and Welfare for eleven years, an experience that provided him with a unique and informed perspective on the issue of poverty and made him sympathetic to Croll's project. As a member of Trudeau's cabinet, he also wielded sufficient influence to further ensure that Croll's recommendations would have an impact.

Against this backdrop of favourable circumstance, the Special Committee on Poverty, was constituted by Senate on 26 November 1968. The committee consisted of 16 members, including the chair and vice-chair.

## 2. Hearings

One of the most significant aspects of the committee's work -- perhaps even more important than its final report and recommendations -- was the series of 93 public hearings that it held between 22 April 1969 and 10 November 1970. These hearings took place in all ten provinces and in the Yukon, and attracted widespread attention from the public and the media. As a result of the publicity generated, public response was so great that Senator Croll often had

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(28) Campbell (1978), p. 19; E. Russell Hopkins, "The Canadian Senate Today: An Examination of the Functioning of the Modern Senate of Canada," unpublished manuscript, amended version, 1972, p. 25.

(29) Campbell (1978), p. 20; he reports that 25 of the committee's 92 recommendations were completely adopted and that a further 52 were partially implemented.

(30) *Ibid.*, p. 19-20.

(31) The role of Government Leader in the Senate in helping determine the success of standing committees will be discussed more fully at the conclusion of this paper.



to divide the committee in two in order to accommodate all those who wished to make presentations. Croll's committee received a total of 209 briefs and heard from 810 witnesses.

The media played a key role in the success of the Croll Committee. The overall tone of the press reports was positive and contained no suggestions that Senators might be unsuited to study poverty and make recommendations on its alleviation. The public learned, not only about what happened during hearings, but of committee members' other activities such as visits to slums in Halifax and jail cells in Charlottetown. The picture that emerged was one of Senators deeply committed to and concerned with the problem they were investigating. One newspaper, for example, drew attention to the fact that the Senators were under no obligation to devote time and effort to such an inquiry, noting that "Senators get paid \$15,000 a year whether they do anything or not." The article went on to quote an unnamed Senator who indicated that he/she was serving on the committee "because I want to do something about poverty."<sup>(32)</sup>

The public hearings were significant, as the media noted, because they served as a catalyst for a public debate on poverty and provided an invaluable forum where both the victims of poverty and their champions could state their case. In this way, the Croll Committee fostered greater understanding of the issue and provided a focal point for the organizing efforts of Canadians living in poverty. As one newspaper commented,

Before the committee began, there were few sources of informed opinion on social welfare measures in Canada and what little material there was stayed mainly within the social work profession.

Now transcripts of all testimony and briefs before the committee are circulated across Canada to hundreds of people, including most of the poor people's organizations.<sup>(33)</sup>

The committee stimulated new thought on the issue of poverty and attracted a number of important submissions, prompting one commentator to observe that "[m]uch of the

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(32) "Senate Poverty Committee Comes to Toronto Richer in Knowledge," *Toronto Star*, 7 March 1970.

(33) *Ibid.*

material was of high quality and contained information available in no other public place."<sup>(34)</sup>  
Another newspaper informed readers that:

In seven months of existence the committee has fulfilled one of its three prime aims by making poverty an everyday subject at cocktail parties and political gatherings even beyond the hopes of some of its members.<sup>(35)</sup>

Not all assessments were positive. Murray Goldblatt, writing in the *Toronto Globe and Mail*, argued that "the level of questioning by committee members has rarely risen above the mediocre..." Goldblatt also questioned the timing of the committee's work, pointing out that the government was about to issue a White Paper on Social Security, which was due in June 1970, well before the conclusion of the committee's study.<sup>(36)</sup> Some academic assessments made at the time were also far from positive. Professor of Social Work Donald Bellamy, commenting on the committee's hearings, wrote that "[w]hile the tour had moments of great emotion and insights, at times it seemed superficial and staged, and at its worst exposed vulnerable people to public view."<sup>(37)</sup>

### 3. The Committee's Report

The Croll Committee's Report (*Poverty in Canada*) was released in 1971 and contained a number of major recommendations including the establishment of a Guaranteed Annual Income (GAI) and the creation of a Council of Applied Social Research.

For the most part, the committee's report was well-received. It was praised in the press for drawing attention to a subject about which most Canadians would rather not talk. The report was called "candid," "sensible," and "compassionate." One newspaper's editorial comment was typical of the response:

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(34) Donald Bellamy, "Poverty," in John Saywell and Donald Foster, eds., *Canadian Annual Review for 1970*, University of Toronto Press, Toronto, 1971, p. 468.

(35) "Everybody's Discussing Canada's War on Poverty," *Ottawa Citizen*, 22 October 1969.

(36) *Globe and Mail* (Toronto), 25 March 1970.

(37) Donald Bellamy, "Poverty," in John Saywell and Donald Foster, eds., *Canadian Annual Review for 1969*, University of Toronto Press, Toronto, 1970, p. 382.



The Croll report may do more than anything else has done so far to foster a realistic view of the problem [of poverty] and build the sort of consensus that will enable governments to act.<sup>(38)</sup>

The *Montreal Star* suggested that the real value of the report was not in any new insights it might offer into poverty but in that it "legitimized insights already offered by others."<sup>(39)</sup> The *Globe and Mail* called the report "Canada's first honest approach to poverty..."<sup>(40)</sup>

The report was not without its detractors, however. During the draft stages of the report, the committee had experienced problems with some leading members of the research staff who disagreed so much with the Senators that they felt obliged to resign and publish their own document on poverty in Canada. Another critic argued that "the Senate committee report, is a pedestrian document, which contributes little to our understanding either of poverty or of Canadian society."<sup>(41)</sup> Rather than diminishing the stature of the committee and weakening its impact, however, these criticisms served instead to attract more attention to the official report and its recommendations. The study produced by the Senators rapidly became a best-seller among government documents.<sup>(42)</sup>

#### 4. Costs

During the course of its activities the Croll Committee incurred substantial expenses. Records indicate that from the date the Committee was first constituted (26 November 1968) to the end of the second Session of the 28th Parliament, it spent approximately \$497,904.46 [\$83,504.79 on research].<sup>(43)</sup> During the third Session of the 28th Parliament,

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(38) *The Gazette* (Montreal), 13 November 1971.

(39) *The Montreal Star*, 11 November 1971.

(40) *Globe and Mail* (Toronto), 11 November 1971.

(41) Errol Black, "One Too Many Reports on Poverty in Canada," *Canadian Journal of Political Science*, No. 3, September 1972, p. 443.

(42) Campbell (1978), p. 20.

(43) Senate, *Journals*, 22 October 1970.

the Committee incurred \$372,695.78 [\$29,955.99 on research] in expenses.<sup>(44)</sup> Finally, expenses for completing the Committee's work during the fourth Session of the 28th Parliament amounted to \$16,315.10.<sup>(45)</sup> Thus, in total, the cost of conducting a Special committee investigation into poverty amounted to \$886,915.34, of which \$113,460.78, or 12.79% of the total, was spent on research assistance. To gain some perspective, the total sum spent by the Croll Committee on its study of poverty amounted to \$3,736,488.00, expressed in 1993 dollars. These expenses attracted virtually no comment at the time; either no one was paying attention or the committee's work was (at least tacitly) believed to be worth the money.

### 5. Influence

The influence exerted by the Croll Committee can only be described as substantial. The fact that the poor and the organizations representing them used the Committee to gain an input into the decision-making process appears to have attracted most attention. The government realized that the poor need more opportunity to have a direct say in policies affecting them. Thus

Responding to the need for regular expression of such views, the government reorganized the National Council on Welfare, an advisory body to the Minister of National Health and Welfare. Civil servants on the council were replaced by strong representation of the poor. As a result, the council was given official sanction to challenge the policies and actions of federal and provincial welfare authorities.<sup>(46)</sup>

As suggested above, however, the Committee's real importance manifested itself not so much in the government response to its recommendations, as in its role as a catalyst for organizing the poor in Canada and drawing attention to poverty:

While the end result of deliberations was uncertain, important side-effects appeared as the Croll committee went about the country. Organizations of poor people for the first time had an opportunity

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(44) *Ibid.*, 24 February 1972, p. 20.

(45) *Ibid.*, 23 January 1973, p. 36.

(46) Bellamy (1971), p. 469.



to state publicly their views about poverty and its solution and most were guaranteed a hearing; this seemed to contribute to their becoming in some instances cohesive and more effective groups.<sup>(47)</sup>

It is clear that the Croll Committee's influence, though indirect, was substantial. Its principal recommendations were not implemented; nevertheless, its actions fostered an awareness of poverty and the plight of the poor in Canada. Efforts to organize the poor were given invaluable support and the government was moved to rethink and revise its programs for the poor. According to discussion in the earlier sections of this paper, the Croll Committee can be deemed to have been quite effective.

## **B. Senate Special Committee on the Mass Media (Davey Committee)**

### **1. Background and Hearings**

The Senate Special Committee on the Media owed its existence primarily to the personal interest of its chairman, Senator Keith Davey. Unlike Senator Croll, he was a comparative newcomer to the Upper Chamber (having been named to the Senate by Prime Minister Pearson in 1966) and, apart from his experience as an advertising salesman for a Toronto radio station, was not as familiar with his subject as Croll had been. Although there was undoubtedly some public concern about the power of the media and the concentration of its ownership in the hands of a few, Davey's effort lacked the same degree of contextual support as Croll's. In fact, the Davey Committee's high profile in the press may have been largely due to the importance of its subject matter to the media and to the prominent witnesses it attracted, rather than to the qualities and background of its chairman or the prevailing mood of the day.

Davey's committee conducted its inquiry into the control and influence of Canada's mass media over a period of 22 months, five of which were devoted to public hearings (9 December 1969 to 24 April 1970). During this time it received submissions from approximately 500 individuals and organizations and heard from 125 witnesses, among whom were a number of prominent Canadians whose testimony won a high profile for the hearings.

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(47) *Ibid.*

Robert Stanfield, Pierre Burton, Charles Templeton, Marshall McLuhan, and former Prime Ministers Lester Pearson and John Diefenbaker all appeared before the committee. As columnist Charles Lynch commented at the time, "[i]f this [list of high-profile witnesses] doesn't put the Senate on the map, and into the news, nothing else will."<sup>(48)</sup> The committee's hearings, the *Vancouver Sun* observed, "may well be the most interesting public show in Canada."<sup>(49)</sup>

Apart from public hearings and the briefs submitted, the committee's work was supported by an initial research budget of approximately \$150,000. This money was used to fund studies of television production, the laws on libel, slander and ownership, and content analysis. Surveys were also conducted to gauge public opinion on media content and ownership.<sup>(50)</sup>

As might be expected, the Davey Committee received a great deal of attention in the media which was -- at least initially -- very supportive. Typical of the press response was an editorial in the *Toronto Telegram* stating that:

He [Senator Davey], and the Senate, are to be congratulated for creating this opportunity to probe into an area that touches all Canadians.<sup>(51)</sup>

The *Vancouver Sun*, although less enthusiastic, also held a positive opinion, indicating that the decision to establish the special committee had "the ring of potential usefulness."<sup>(52)</sup>

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(48) *The Citizen* (Ottawa), 17 October 1969.

(49) *Vancouver Sun*, 3 February 1970.

(50) The research conducted on behalf of the committee was the subject of some controversy as the Leader of the Opposition, Robert Stanfield, charged in the House of Commons that the committee used its research grants to hire "...prominent Liberal party workers..." (Source: *Globe and Mail* (Toronto), 5 July 1970).

(51) *Telegram* (Toronto), 20 March 1969.

(52) *Vancouver Sun*, 21 March 1969.



## 2. The Committee's Report

Upon completing its study, the Davey Committee released its report at the end of 1970. Among other things, the committee recommended that the government establish a Press Ownership Review Board to slow the concentration of ownership and a Publications Development Loan Fund to assist those wishing to enter the business. The committee also suggested that owners set up a Press Council to deal with public complaints.

The report received generally positive, though mixed, reviews from outside the media. Economist Robert R. Kerton, for example, though he called the committee's report "a thought-provoking study"<sup>(53)</sup> containing "much that is worthwhile -- and perhaps essential for Canada's future"<sup>(54)</sup> nevertheless concluded that

the modest nature of the Committee's recommendations gives one a feeling of helplessness; yet it is presented in a light and delightfully lively style which makes the whole thing reminiscent of Nero's fiddling.<sup>(55)</sup>

Most newspaper commentary, however, was thoroughly negative. Editorials in newspapers across Canada called the report "misleading," "inaccurate," and "superficial."

## 3. Costs

On 30 June 1971, Senator Davey submitted a final report of special expenses incurred by his committee. Of total expenditures amounting to \$621,834.58, the largest expenditure was on research for the committee, an amount of \$244,993.73.<sup>(56)</sup> In terms of August 1993 dollars, the Committee's expenses totalled \$2,619,729.00.

The costs incurred by the Committee do not appear to have been the subject of much controversy. Apart from mild rumblings in the press, the only comment made during the

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(53) Robert R. Kerton, "Mass Media: Report of the Special Senate Committee," [book review], *Canadian Public Administration*, Vol. 14, No. 3, Fall 1971, p. 466.

(54) *Commentator*, March 1971, p. 8.

(55) *Ibid.*, p. 466.

(56) Senate, *Journals*, 30 June 1971, p. 370.

debate in the Upper Chamber on the Committee's report came from Senator Desruisseaux, who told his colleagues that in good time its high cost may come to be questioned. Senator Davey, for his part, argues that the work of his committee represented a "great bargain for Canadians," especially when compared to the expense incurred by royal commissions.<sup>(57)</sup>

#### 4. Effectiveness

Senator Davey is reported to have said that, since the government had not requested that a Senate committee conduct an investigation into the media, the government was under no obligation to respond to the committee's recommendations.<sup>(58)</sup> The government appears to have agreed. The major recommendation made by the committee was that a Federal Press Ownership Review Board be established; this did not happen. The media, however, responded more positively. Publishers set up press councils in three provinces to deal with complaints lodged against the press. This was in response to one of the Davey Committee's leading concerns: that the press become more open to public grievances.<sup>(59)</sup> The eventual abolition, by Parliament in 1976, of the exemptions for advertisers in Canadian editions of *Time* and *Reader's Digest* from the tax on advertisements in foreign-owned magazines has also been ascribed to recommendations of the committee.<sup>(60)</sup>

Like that of the Croll Committee, much of the Davey Committee's influence was indirect. The committee has been credited with producing valuable and pioneering research on the previously murky area of ownership and media concentration.<sup>(61)</sup> To this extent, the committee was successful in developing a greater awareness of this subject among the Canadian people.

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(57) Senator Keith Davey, *The Rainmaker: A Passion for Politics*, Stoddart Publishing, Toronto, 1986, p. 143.

(58) *The Financial Post*, 19 December 1970.

(59) Campbell (1978), p. 23.

(60) *Ibid.*, p. 23.

(61) Earle Beattie, *Canadian Annual Review for 1970*, John Saywell and Donald Foster, eds., University of Toronto Press, Toronto, 1971, p. 515.



Ten years later, in response to concern over a sudden growth of concentration of newspaper ownership, the government established a royal commission to cover much of the same territory as the Davey Committee had done. Thus, the work of the Senate committee formed the basis for the investigation conducted by the Kent Commission, which in its report acknowledged its debt to its predecessor:

[t]he [Davey] Committee's main recommendation to stem concentration in the newspaper industry was not taken up, but it and other proposals were a strong influence on interest groups and individuals with special concern for the press. When the present Commission began its work, the Davey Report served as a point of departure, not only for the Commission itself, but for most of those who submitted briefs and appeared at public hearings.<sup>(62)</sup>

The Report went on to say that the legacy of the Senate Committee was an "eloquently expressed view of journalism and society."<sup>(63)</sup> Thus, the Davey Committee's influence endured beyond the short term and had a value that may not have been completely recognized at the time.

## C. The Senate Special Committee on Science Policy (Lamontagne Committee)

### 1. Background

The establishment of the Senate Special Committee on Science Policy (on 8 November 1967) was prompted by the need to assess Canada's position in light of the rapid pace of global technological development. Chaired by Senator Maurice Lamontagne, the committee was also deeply aware that a public forum for a review of government science programs was needed by policymakers and the country's scientific community.<sup>(64)</sup> Thus, the Committee's activities became a central element in a larger effort to make many of the serious problems facing science and technology in Canada better known and understood.<sup>(65)</sup>

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(62) Royal Commission on Newspapers, *Report*, Ottawa, 1980, p. 17.

(63) *Ibid.*

(64) Senate Special Committee on Science Policy, *A Science Policy for Canada*, Vol. I, Ottawa, 1970, p. 2.

(65) Peter Aucoin and Richard French, "The Ministry of State for Science and Technology," *Canadian Public Administration*, Vol. 17, No. 4, Fall 1974, p. 464.

As was often the case, the Senator who had moved that a committee on science policy be created went on to chair that committee. Senator Lamontagne possessed a background that suited him for this particular task. An economist by profession, he had been one of the founders of the pioneering Faculty of Social Sciences at Laval University in 1943 and had become Assistant Deputy Minister of Northern Affairs and Natural Resources in 1954. From 1955 to 1957, he occupied the post of Economic Advisor to the Privy Council. He was elected to the House of Commons in 1963 and was subsequently named to the Senate in April 1967. Thus, as chairman, Senator Lamontagne brought an intimate understanding of the administrative aspects of both government and academia to the committee's study of science policy.

## 2. Conduct

The Lamontagne Committee divided its work into four phases. During the first of these, it heard from a variety of experts who addressed the complex issues involved in formulating science policy. A study of the principal research and development activities of federal government departments and agencies occupied a second stage. The third stage was made up of public hearings, which took place between May and June 1969. During this phase of its work, the Committee heard from universities, learned societies, business, professional associations and interested members of the general public. In the fourth and final stages, the Committee travelled abroad to gain an international perspective. Between November 1969 and February 1970, a total of 102 public meetings were held and the views of 325 individuals and groups received. Senator Lamontagne and other members of the Committee's Steering Committee also spoke to approximately 30 meetings held by various associations across Canada for the purpose of discussing science policy. The Committee released its report in three volumes which appeared in 1970, 1972, and 1973.

## 3. Costs

From the date it was first constituted (8 November 1967) until the end of the 2nd Session of the 28th Parliament, the Lamontagne Committee incurred expenses of \$405,157.49, of which \$116,407.38 was for research.<sup>(66)</sup> Expenses for the 3rd Session of the 28th

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(66) Canada, Senate, *Journals*, 28 October 1970, p. 36.



Parliament were \$164,324.35 [\$69,411.52 for research];<sup>(67)</sup> for the 4th Session, \$87,448.93 [\$27,363.93 for research] and for the 1st Session of the 29th Parliament, \$126,852.62 [\$40,020.98 for research].<sup>(68)</sup> Thus, until the final volume of its three-volume report on science policy appeared, the committee incurred total expenses of \$783,783.39, or \$3,302,004.00 in August 1993 dollars.

#### 4. Effectiveness

Like the two other special committees discussed above, the Senate Special Committee on Science Policy was widely praised. Following the release of the first volume of its report, political scientist G. Bruce Doern wrote that the work of the Lamontagne Committee had involved "the most comprehensive and, most importantly, the most public and open assessment of this complex field of public policy."<sup>(69)</sup> Doern proceeded to express his

general admiration for the work of the Committee and its staff. They have offered an unprecedented opportunity to publicly discuss this important topic. The Committee's work has already resulted in the reorganization of the Science Council-Science Secretariat relationship, and the creation of a general scientific and technological association, SCITEC. ..., almost immediately after the report was made public, the Trudeau government gave its strongest indication that it would appoint a Minister of Science Policy.<sup>(70)</sup>

Others, as well, acknowledged that the Committee's hearings helped initiate a public debate on national science policy.<sup>(71)</sup> The Committee's report is viewed as an important accomplishment in itself and is often cited by academics. As American Congressman Charles

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(67) *Ibid.*, 29 February 1972, p. 24.

(68) *Ibid.*, 13 March 1974, p. 24.

(69) G. Bruce Doern, "The Senate Report on Science Policy: A Political Assessment," *Journal of Canadian Studies*, 6 May 1971, p. 42.

(70) *Ibid.*, p. 43.

(71) Senate Special Committee on Science Policy (1970), p. 13.

A. Mosher claimed at the time, the Lamontagne Committee's examination of science policy was "...the most thorough study of any in the world."<sup>(72)</sup>

Colin Campbell claims Senator Lamontagne's Committee was successful because Lamontagne chose to examine an area of policy in which he was well qualified, and then won from the public and interested groups backing that he used to gain the support of his colleagues in the Senate. Once the study was completed, Lamontagne worked hard to maintain public interest in the need for a national science policy. He also capitalized on his reputation in the Liberal caucus and the cabinet to make sure that his committee's proposals would be implemented. Campbell concludes that, in order to succeed, those committees whose purpose was social investigation needed to build and maintain the support of a national constituency capable of transcending sectoral divisions.<sup>(73)</sup> His observations may also be applied to the Croll and Davey Committees.

## SENATE COMMITTEES POST-1980

In recent times, special committees have not matched the achievements of their predecessors in the 1970s. This is despite the fact that a number of Senate committees have completed valuable studies. The work of the Standing Committee on Social Affairs, Science and Technology (*Children in Poverty: Toward a Better Future*) is an example. The research studies commissioned by the Committee and appended to its report provided information of value to advocacy groups, professionals working in the field of childhood poverty and academics. Yet this Senate report, like others in recent times, apparently lacked the impact of its predecessors. One observer suggests this is because the committees of the seventies were too critical of government policy. As a consequence

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(72) Cited by Joan Powers Rikerd, "Science," in John Saywell and Donald Foster, eds., *Canadian Annual Review for 1970*, Toronto, 1971, p. 477.

(73) Campbell (1978), p. 21-22.



there has been a tendency in recent years for Government House Leaders in the Senate to allocate investigatory tasks to standing committees, which can be more easily controlled.<sup>(74)</sup>

As well, the fact that, until recently, the party in power in the House of Commons did not hold a majority of seats in the Senate reduced the likelihood that Senate committees, chaired and largely populated by political opponents, would be able to influence the actions of government. Finally, other changes in the working environment of the Senate help explain the reduced effectiveness of its committees:

There was a consensus that conducting long-term studies is one of the most useful functions of Senate committees. However, the ability of a Senate committee to do such work is dependent on the committee's legislative workload, as well as the interest of the Chairman and committee members. Senate committees seem to have gotten away from long-term, in-depth studies, partly because of changes in the legislative calendar which has lead to legislation being referred to committees throughout the year.<sup>(75)</sup>

## SENATE COMMITTEES VS. ROYAL COMMISSIONS

It is usually pointed out that,..., committees of the Senate could handle much of their [royal commissions'] work. The assumption is that a Senate's select committee, if given adequate research assistance, is capable of a more leisurely, expert, and detailed inquiry than a similar committee of the Lower House, while being a less cumbersome device of investigation and public instruction than a royal commission.<sup>(76)</sup>

Here Professor Kunz summarizes the argument that Senate committees could, at less cost to the taxpayer, undertake much of the work currently assigned to royal commissions.

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(74) Robert J. Jackson and Doreen Jackson, *Politics in Canada: Culture, Institutions, Behaviour and Public Policy*, Second Edition, Prentice-Hall Publishing, Scarborough, Ontario, 1990, p. 370.

(75) The Senate of Canada, Committees and Private Legislation Directorate, "Senate Committees in the Post-Referendum Parliament," Ottawa, 1993, p. 17.

(76) Kunz (1965), p. 263.

In considering this, we should be aware of the similarities, differences and relative advantages and disadvantages of the two mechanisms.

## A. Royal Commissions

Royal commissions are established by the Prime Minister according to provisions in the *Inquiries Act* (Chapter I-11, R.S.C.). There are two kinds of royal commission: policy-oriented royal commissions, which are generally headed by three commissioners, and investigatory royal commissions, usually presided over by a single commissioner. The appointment of commissioner(s) and the terms of reference authorizing the commission to do certain things are contained in an Order in Council. There is no policy governing the procedure royal commissions must follow, although time limits are often established. Royal commissions have their own budgets and are responsible for establishing their own travel and meetings schedules. Commissioners are not obliged to forgo their normal activities and may pursue their own careers at the same time as their commission duties.

### 1. Their Role

Besides gathering information and formulating recommendations, royal commissions perform the functions of

educating the public or the legislature in order to generate pressure for intended legislation, sampling public opinion, carrying out specific investigations into the other branches of government, permitting the voicing of grievances and enabling the government to postpone action on a question where the imperative to act is not yet clear.<sup>(77)</sup>

### 2. Their Effectiveness

The general perception is that governments establish royal commissions, not so much to solve problems, as to delay having to confront them. Once released, royal commission reports are widely thought to gather dust, their recommendations never spoken of again.

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(77) Frank Iacobucci, "Commissions of Inquiry and Public Policy in Canada," in A. Paul Pross, Innis Christie and John A. Yugis, eds., *Commissions of Inquiry*, Carswell Publishing, Toronto, 1990, p. 26.



Making a more careful assessment of the effectiveness of royal commissions, however, is difficult. Law professor Wayne Mackay writes that determining how effective royal commissions have been

is a matter of conjecture. There has been little empirical research on the operations of inquiries and nothing approaching a costs-benefits analysis of their performance...<sup>(78)</sup>

Much of what Frank Iacobucci, former Deputy Minister of Justice and Deputy Attorney General of Canada, has written about the effectiveness of royal commissions, can also be applied to Senate committees. Iacobucci argues that in assessing the effectiveness of a royal commission, attention must be paid to its function and objectives. He points out that it is possible that a commission's role is to define an issue rather than to resolve it. Perhaps, he suggests, the issue being examined is one not capable of resolution. Finally, the effectiveness of royal commissions must also be assessed against standards of efficiency, economy and effectiveness:

The issue of efficiency raises sub-issues of whether the activities of the commission were necessary and actually contributed to the effective resolution of the issues before it. Again, the answer may be dependent on the commission's role and function. If the commission sought only to define issues to establish facts, accomplishing this only may fulfil the commission's mandate. If the commission also gave advice this may be a proper subject of evaluation.<sup>(79)</sup>

Iacobucci concludes that it is inevitable that the effectiveness of a commission will be measured by whether its activities and recommendations are accepted by government and the public. He cautions, however, against the exclusive use of this measure. Once more, his observations can equally apply to Senate committees, when he writes that one should avoid

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(78) A. Wayne Mackay, "Mandates, Legal Foundations, Powers and Conduct of Commissions of Inquiry," in Pross, Christie and Yogis, eds., *ibid.*, p. 46.

(79) Iacobucci (1990), p. 27.

evaluating inquiries by their success in achieving the execution of policy. Other institutions of government are designed to implement policy. If inquiries were so designed, they would lose most of their unique advantages, such as their detached independence from the political arena and bureaucratic politics, their flexibility and their ability to be self-determining within the terms of their mandate.<sup>(80)</sup>

### 3. Their Costs

The high cost of royal commissions is often cited. It is noteworthy, however, that royal commissions are subject to some major controls with regard to budgeting and finances.

Royal commissions are financed either out of general revenue or from the budget of the department whose minister is sponsoring the inquiry -- most often the Privy Council. Following the issuing of an Order in Council establishing a royal commission, there is generally a preliminary meeting between a senior official in the department of the minister who recommended the inquiry and the commissioner(s). After this meeting, supplementary Orders in Council are requested that contain a number of specifics regarding financing:

- to designate the commission as a "department" under the *Financial Administration Act* [FAA]; and to designate a Minister of the Crown as the "appropriate Minister" in respect of the commission; also the name agreed upon for the commission if this is not given in the original order;
- to authorize (after recommendation by the Honourable the Treasury Board) an honorarium to each commissioner at an agreed rate; and transportation expenses and a non-accountable living allowance on a *per diem* basis for each commissioner while absent from his [her] normal place of residence on the work of the commission; and
- to authorize the commissioner or commissioners to take special actions not covered in the original Order in Council and deemed necessary for the purposes of the inquiry.<sup>(81)</sup>

The royal commission's chairperson becomes a Deputy Head under the terms of the FAA and is responsible to the Minister who initiated the inquiry (almost always the Prime

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(80) *Ibid.*, p. 28.

(81) Harry A. Wilson, *Commissions of Inquiry: A Handbook on Operations*, Government of Canada, Privy Council Office, Ottawa, 1982, p. 11.



Minister). Commissioners receive no pay apart from honorariums paid on a *per diem* basis (a current maximum of \$175), which are often substantially less than commissioners earn in the private sector. Royal commissions are responsible for hiring their own staff (by authority granted under *Investigations Act*) but there is always a proviso in their terms of reference that the rates paid to staff must be subject to Treasury Board approval. Offices and office equipment are supplied by Public Works. Budget submissions made to Treasury Board by royal commissions are then tabled in the House as part of the Supplementary Estimates.

Although there is parliamentary oversight of spending by royal commissions, it is very slight.<sup>(82)</sup> Apart from the guidelines set forth in Orders in Council, government exercises what little control it has over royal commissions through the budgeting process.<sup>(83)</sup> Also, because the supplementary Order in Council designates a commission as "a department for the purposes of the *Financial Administration Act*," royal commissions are brought under the authority of the Treasury Board as set forth in the FAA. This means that the administration that supports a commission functions under the same checks and balances as are applied to the public service.<sup>(84)</sup>

In spite of the set of financial controls applied to royal commissions, they tend to be costly. For example, the Royal Commission on Electoral Reform and Party Financing [Lortie Commission] spent a total of \$19,546,242 during its existence.<sup>(85)</sup>

This level of expenditure has prompted Professor Mackay, like others, to wonder whether or not some mechanism other than royal commissions should be resorted to, "especially in light of the escalating costs of commissions of inquiry."<sup>(86)</sup>

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(82) K.B. Callard, *Commissions of Inquiry in Canada, 1867-1949*, Mimeograph, Ottawa, 1950, p. 30.

(83) Wilson (1982), p. 15.

(84) *Ibid.*, p. 23.

(85) Government of Canada, *Public Accounts*, 1989-90, 1990-91, 1991-92.

(86) Kunz (1965), p. 46.

**B. Senate Committees and Royal Commissions:  
Advantages and Disadvantages**

The above discussion of royal commissions, though cursory, suggests a number of the relative advantages and drawbacks they have when compared with Senate Committees.

One issue is the degree of control exercised by government. In inquiries conducted by Senate special committees, government has little -- if any -- formal control over what they investigate, how they conduct themselves, their conclusions, or their recommendations. Government may be said to have only the freedom to ignore the reports and recommendations of Senate committees. As Kunz indicates, Parliament and government have greater freedom of action in dealing with a Senate committee report than with a report from a royal commission.<sup>(87)</sup>

It is important to recall that royal commissions are born out of government initiative and thus government is under some obligation to respond to their findings and recommendations. Indeed, this factor may make Senate committees more attractive from government's point of view:

An advantage to the government in having a Senate, rather than a royal commission, study lies in the degree of commitment which the government has to the outputs of the study. Recommendations of a royal commission, itself formed by the government, cannot easily be ignored. Opposition parties are quick to point to "waste" of having royal commissions carry a project through the recommendation stage, only to have the final proposals ignored by government.<sup>(88)</sup>

Moreover, since the Senate is already in place, Senate committees need not incur the extra expenditures needed to set up royal commissions.<sup>(89)</sup>

These advantages of Senate committees (from the government's perspective) are balanced by the government's comparatively greater authority over royal commissions, for which

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(87) *Ibid.*, p. 263.

(88) McCauley (1983), p. 121.

(89) *Ibid.*, p. 121.



government defines the limits of investigations, names the commissioners, conducts initial budgetary oversight, and exercises some discretion over whether or not the final report is released.

Thus, the advantage of Senate special committee over a royal commission as an investigatory instrument depends largely upon one's perspective. For those who maintain that investigations involving larger public policy issues should be conducted outside the ambit of government influence, the special committees of the Senate hold some attraction. On the other hand, the principal disadvantage of Senate committee investigations is the lack of any formal requirement for government response.

In one important respect, Senate committees and royal commissions may be equally attractive. Because they are both lacking in formal influence, both may be encouraged to be innovative in their approach to policy issues. V. Seymour Wilson points out that:

the supposed disadvantage of the royal commission in implementing its recommendations can be the very factor allowing it to be an instrument of innovation..., it cannot be denied that the stamp of innovation and imagination is fostered by a spirit of independence which stems from being free of formal responsibility.<sup>(90)</sup>

Senate committees do have one major advantage over royal commissions: their relatively permanent nature. Professor Mallory points out that while royal commissions disperse once their work is done, the members of a Senate committee remain in place and are thus able to monitor the government response to the issues and recommendations in their report.<sup>(91)</sup> Once again, however, this factor may be considered a drawback from a government perspective.

In closing, it is worthwhile considering one major instance in which the work of a Senate special committee was to some extent duplicated by a royal commission. The Royal Commission on Newspapers (the Kent Commission), established in 1980 in response to growing

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(90) V. Seymour Wilson, "The Role of Royal Commissions and Task Forces," in G. Bruce Doern and Peter Aucoin, eds., *The Structures of Policy Making in Canada*, Macmillan of Canada, Toronto, 1971, p. 119.

(91) Mallory, *The Structure of Canadian Government*, Revised Edition, Gage Publishing, Agincourt, Ontario, 1984, p. 262.

concentration of newspaper ownership in Canada, conducted a ten-month study costing more than \$3 million and produced a 296-page report accompanied by eight volumes of research. Was this royal commission more effective in doing its job than its Senate predecessor, the Davey Committee? Such a question requires more detailed consideration, but an initial answer, according to one assessment, would have to be no. Two academics who have examined the question have written that:

The [Kent] Commission brought the work of the Davey Committee (1970) up to date, but did not advance the debate very far.<sup>(92)</sup>

## CONCLUSIONS AND OBSERVATIONS

Writing about committees in the Australian context, Peter O'Keefe points out what should be obvious: "Committees are tools," he writes, "Indeed, each Senate committee is a unique resource or tool."<sup>(93)</sup>

What elements helped make the special committees of the Senate such valuable resources during the 1970s? The examples discussed above suggest that there are several.

### A. The Role of the Government Leader in the Senate

If the work and recommendations of special committees of the Senate are to have any success, the role of Government Leader in the Senate, which was officially given status as a ministerial office in 1969, is an important factor. McCauley emphasizes the importance of this role in obtaining the support of government for the work of the special committees. This, she writes, is

a necessary step as the Senate special investigations need financial support from the government to cover staff, travel and other expenses which will be incurred by the study.<sup>(94)</sup>

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(92) Frederick J. Fletcher and Daphne Gottlieb Taras, "The Mass Media and Politics: An Overview," in Michael S. Whittington and Glen Williams, eds., *Canadian Politics in the 1980s*, Second Edition, Methuen Publications, Toronto, 1984, p. 212.

(93) Peter O'Keefe, "The Scope and Function of Parliamentary Committees," *The Parliamentarian*, Vol. LXXIII, No. 4, October 1992, p. 270.

(94) McCauley (1983), p. 120.



J.R. Mallory attributes much of the success of the policy studies conducted by special committees in the 1970s to Government Leader Paul Martin, "an energetic minister of unmatched experience and great influence in the Cabinet."<sup>(95)</sup> It is likely that Senator Martin used his position to urge a positive government response to many of the recommendations put forward by Senate committees. As Government Leader, Senator Martin was also concerned that the potential of the Upper Chamber be exploited fully. In his memoirs, he noted that nothing prevents the Senate from setting its own course; the Senate, he argued, can provide a useful forum for scrutiny and enquiry.<sup>(96)</sup> This is precisely what he encouraged the Senate to do, as evidenced by the work of its special committees of the time.

### **B. Suitable Subject-Matter for Inquiry**

The special committees of the 1970s all focused on issues of major importance that were of interest to all Canadians: poverty, the role of the media, and national science policy. Upon completion of their investigations, these committees were able to promote innovative solutions, many of which were implemented by government. Thus, they fulfilled Professor Jackson's suggestions for the Senate: investigating long-term, important problems and providing forward-looking thinking. Committees of the Senate, if they wish to perform a useful and influential role, might consider conducting inquiries into the larger issues of importance to Canadians. As Senator Davey has suggested, some of the problems studied by earlier special committees might be worthy of fresh consideration.<sup>(97)</sup>

### **C. Dedicated Chairmen**

All of the chairmen of the special committees mentioned in this paper -- Senator Croll, Senator Davey, and Senator Lamontagne -- were especially well suited to the investigation of the problems tackled by their committees. A combination of personal knowledge, interest,

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(95) Mallory (1984), p. 262.

(96) Paul Martin, *A Very Public Life*, Vol. 2, *So Many Worlds*, Deneau Publishers, Toronto, 1985, p. 639.

(97) Senator Keith Davey (1986), p. 156.

commitment, and appropriate skills on the part of each chairman was in large measure responsible for the success of the committees.

#### **D. A Supportive Government**

An obvious factor in the success of special committees was the receptive attitude of government. In the absence of willingness to take the work, findings and recommendations of Senate committees seriously, their impact would have been considerably lessened. In part, this factor is associated with the degree of influence wielded by the Senate Government Leader in cabinet. If this element is lacking, or if the Senate does not have the respect of government, there is almost no likelihood that the work of its committees will be able to make a contribution of any kind to the policy-making process. As McCauley notes, the accomplishments of the Senate committees of the 1970s would not have been possible

without considerable support from the government. At least tacit consent and financial support for a long-range investigation are necessary.<sup>(98)</sup>

#### **E. Support from the Media and the Public**

The ability to develop an awareness of an issue and to help channel that awareness into some form of consensus on what ought to be done constitutes both a role and powerful potential for Senate committees. Should a Committee succeed in generating public support for the measures it proposes, it would become more difficult for a government not to respond. This ability, however, depends on two crucial elements: the willingness of the national media to report accurately and favourably on the activities of Senate committees and the response of the Canadian public. For each of the Senate committees discussed above, the media played an important role by taking its work seriously, by reporting on activities thoughtfully and extensively and by helping develop supportive constituencies for proposals. Thus, the media made it difficult for government not to respond to the committee's work.

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(98) McCauley (1983), p. 120.



Everything turns upon the degree to which the Senate and its members are held in esteem by Canadians. Respected voices are listened to and taken seriously. Without this esteem, the chance for committees of the Senate to be effective is considerably reduced. In a discussion of the functions performed by second chambers, one authority has written that the Canadian Senate

holds occasional debates and enquiries on broad public issues. Unquestionably it could be more active in these fields, but it does not command the public respect which would lend to its debates and its reports, as well as to its amendment or rejection of legislation, the moral authority essential to exercise of an influential role in a democracy.<sup>(99)</sup>

Public opinion polls have shown a steady increase in the number of Canadians who feel that the Upper Chamber should be abolished.<sup>(100)</sup> In a poll released on 22 July 1993, Gallup Canada reported that 54% of Canadians favoured abolition, the highest percentage ever recorded by the organization. The results of the poll, according to Gallup, reflected "the public attitude towards an institution that is perceived by many to have outlived its usefulness."<sup>(101)</sup>

In light of the record low levels of esteem accorded the Senate in recent public opinion polls, committees of the Upper House face enormous challenges if they wish to be effective. All the elements mentioned above -- knowledgeable and dedicated committee chairs and members, a Government Leader in the Senate willing to use the office to garner support for the goals, activities and recommendations of Senate Committees in cabinet, a responsive and supportive government, an attentive media, and a Canadian public interested in listening to what Senators have to say -- will be required if committees of the Upper House are to play a significant role in influencing public policy at the national level.

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(99) Robert A. MacKay, *The Unreformed Senate of Canada*, Revised Edition, McClelland and Stewart, Toronto, Ontario, 1963, p. 166.

(100) See, for example, Canadian Institute on Public Opinion (Gallup Canada), *The Gallup Report*, 22 January 1990, 2 December 1990.

(101) Canadian Institute of Public Opinion (Gallup Canada), *The Gallup Report*, 22 July 1993.

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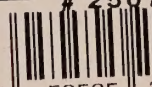




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